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IN THE IOWA DISTRICT COURT IN AND FOR BUCHANAN COUNTY

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STATE OF IOWA,

Plaintiff,

vs.

CHRISTOPHER SOULES,

Defendant.

CASE NO. FECR081656

MR. SOULES' WRITTEN  
CONDITIONAL GUILTY PLEA TO  
THE LESSER INCLUDED OFFENSE  
OF: INFORMATION AND AID –  
LEAVING THE SCENE OF A  
PERSONAL INJURY ACCIDENT

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**COMES NOW**, Christopher Soules, in the above action and states I have been charged with the lesser-included offense of *Information and Aid – Leaving the Scene of a Personal Injury Accident*, in violation of Iowa Code Section 321.263 (aggravated misdemeanor) and I hereby request that my conditional plea of guilt pursuant to Rule 2.10(2) and (3) to said charge be entered of record.

In support of my conditional plea, I state that I fully understand and have been advised by my attorney of the following rights:

That I have a right to proceed with a plea of not guilty and compel the State of Iowa to prove my guilt to the unanimous satisfaction of a twelve-person jury in a speedy and public trial;

That I have the right to remain silent and could not be forced to testify or incriminate myself in any manner; and that if I exercised my right to remain silent, this could not be used against me and the State would be prohibited from commenting on my silence;

That I have the right to be represented by an attorney throughout the entire trial and if I am unable to afford an attorney, the Court would appoint one to represent me at public expense;

That I have the right to cross-examine all witnesses against me and to present evidence, if any, on my own behalf;

That I am presumed innocent until the State proves, if ever, that I am guilty beyond a reasonable doubt;

That I have the right to subpoena witnesses to appear and testify on my behalf.

That a criminal conviction or deferred judgment may result in my deportation or other adverse immigration consequences if I am not a citizen of the United States; I have been informed of my rights to contact an immigration attorney and or my consulate; By my signature as set forth below I acknowledge that I

have read and understand this document or have had this document read to me by an interpreter in my native language I have been informed of the potential consequences of a plea or finding of guilt; and

That if I am currently on probation or parole, this guilty plea could be a basis for revocation of that probation or parole; I understand that the sentence in this case can be ordered to run consecutively with the sentence in the probation or parole case, or consecutive to any other sentence to which I am now subject.

I have also been advised that the above-stated offense is an aggravated misdemeanor. Under the present circumstances, this charge carries a maximum penalty of imprisonment of not more than two (2) years and/or by a fine of not more than six thousand two hundred and fifty dollars (\$6,250.00) and a minimum penalty of a fine of six hundred twenty-five dollars (\$625.00) along with a suspended jail sentence or a deferred judgment. I understand there is a 35% surcharge on any fine plus court costs (including transcript, interpreter, service and other fees), attorney fees, and victim restitution, if any. Any form of probation carries a \$300 fee. The minimum disposition is a deferment of judgment with a possible \$625 civil penalty plus the surcharges. I have likewise been informed of all other sentencing options available to the Court, including but not limited to the deferral of sentence or judgment (which would potentially include imposition of a civil penalty), the grant of probation and the suspension of sentence imposed and how each of these alternative sentencing options impact the underlying sentence.

I hereby state that I submit this written Plea of Guilty with full knowledge and waiver of my rights and I do so freely and voluntarily. No threats have been made against me to obtain this guilty plea. No promises of leniency or favorable treatment have been made, except for any plea bargain disclosed to the Court at the time this Guilty Plea is offered for consideration. In admitting guilt, I understand that any plea-bargain agreements with the prosecutor are not binding on the Court should the court decline to bind itself to the plea agreement under Rules 2.10(2) and 2.10(3). The terms of my current plea agreement are as follows:

In exchange for my plea of guilty to the above referenced lesser included offense, I understand the Court will order a confidential presentence investigation report (PSI) be completed in advance of sentencing and this document will be provided to the State and to me. I also understand that the instant plea to the aggravated misdemeanor will resolve any and all criminal matters, investigations, etc. arising from the accident on April 24, 2017 and no further prosecution or charges will be brought against me.

At the time of the sentencing hearing, the State agrees to adopt and recommend the disposition contained in the final confidential PSI. I am free to request a deferred judgment or suspended sentence. Further, I understand my plea is being tendered in accordance with Rule 2.10(2) and (3) of the Iowa Rules of Criminal Procedure. By doing so, I understand the court may accept or reject the agreement or defer its decision as to acceptance or rejection until receipt of a PSI. I further understand if the court accepts the plea agreement, the court will inform the parties of its willingness to concur with the plea



agreement and embody in the judgment and sentence the disposition provided for in the plea agreement or another disposition more favorable to me than that provided for in the agreement. Finally, I understand if the court declines to be bound by the plea agreement, the court will inform the parties of this fact, afford me the opportunity to withdraw my plea, and advise me if the persistence in a guilty plea continues, the disposition of the case could be less favorable to me than that contemplated by the agreement. Should I choose to persist with a guilty plea, and it is accepted by the court, I will not have the right to later withdraw my plea except upon a showing that the withdrawal is necessary to correct a manifest injustice.

By way of a factual basis, I hereby state that on or about April 24, 2017 in Buchanan County, Iowa, I was driving a vehicle that was involved in an accident resulting in serious injury to another person. I knew the accident occurred and knew it resulted in an injury to the other person. Though I immediately stopped, called 911 and identified myself, and rendered reasonable aid to the injured person—including requesting an ambulance and administering CPR while the ambulance was en route—I acknowledge I did not provide the registration number of the vehicle I was driving to 911 dispatch or law enforcement as required by Iowa Code § 321.263.

I have been advised that I have the right to have a future date set for pronouncing judgment and sentence, which cannot be less than fifteen (15) days after the guilty plea is entered, unless I consent to a shorter time, and I understand that any challenge to the guilty plea or alleged defects in the plea proceedings may be raised by a Motion in Arrest of Judgment filed no later than five (5) days before the date set for pronouncing judgment, and that failure to raise such challenge shall preclude the right to assert them in this Court or on appeal to another court. I have also been advised of my right to allocate and make a statement to the court at the time of sentencing.

Based on the foregoing, I hereby waive all my legal and trial rights as well as my right to be present when the instant plea is accepted, request that my conditional guilty plea be accepted and entered of record. Finally, I request this matter be scheduled for sentencing at least 90 days from the entry of the plea and that the Court order the preparation of a confidential presentence investigation report in advance of sentencing.



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Christopher Soules

I, Brandon Brown, state that I am one of the attorneys for Mr. Soules. Without waiving privilege, I acknowledge we have fully discussed all matters set forth above, including the defenses available to Mr. Soules. In terms of investigation, over the past year and a half we have had an opportunity to examine hundreds of documents produced through the discovery process. We questioned approximately two dozen witnesses under oath, including several law enforcement officers, medical responders, on scene bystanders, and one person who witnessed the accident occur.

This evidence revealed Mr. Soules collided with a small cabless tractor that was driving on the highway on a dark, overcast night. Although Iowa law requires slow-moving tractors to display flashing amber lights, neither Mr. Soules nor the independent witness to the accident saw any lights on the tractor. Based on witness testimony, the tractor could have been traveling as slow as 6 miles per hour at the time of the accident. Mr. Soules was traveling under the speed limit at the time of impact. At these speeds, law enforcement and collision experts concluded Mr. Soules reacted reasonably given the closing speed and known reaction time to seeing the slow-moving tractor. Mr. Soules found himself in an unavoidable accident.

Mr. Soules's airbag deployed but did not prevent Mr. Soules from hitting his head on his windshield so hard that it shattered. He was later diagnosed with a concussion. One on-scene witness commented she was surprised Mr. Soules was up and walking around based on the condition of his truck.

Even though Mr. Soules was disoriented from the accident, he had the presence of mind to call 911 promptly. He identified himself and his role in the accident as he attempted to revive the tractor driver, Kenneth Mosher. Eyewitnesses confirmed Mr. Soules administered CPR to Mr. Mosher and, in fact, was the only person on scene who performed CPR before emergency responders arrived. Mr. Soules stopped once the compressions caused blood to come from Mr. Mosher's mouth.

We also learned Mr. Soules remained on the scene until the emergency responders arrived. He directed those emergency responders to Mr. Mosher and then spoke with others on the scene before departing. All of the on-scene witnesses agreed there was no indication whatsoever that Mr. Soules was impaired. No one, even the individuals who knelt in close proximity to Mr. Soules while he administered CPR smelled any alcohol or had any belief Mr. Soules had been drinking.

Based on the foregoing, I do not know of any cause or reason why the Court should not accept the plea of guilty, order a PSI, and schedule sentencing.

*Respectfully submitted,*

**PARRISH KRUIDENIER DUNN BOLES GRIBBLE  
GENTRY BROWN & BERGMANN, L.L.P.**

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**ATTORNEYS FOR DEFENDANT**

**PROOF OF SERVICE**

The undersigned certifies that the foregoing instrument was **electronically filed** on EDMS on the 13th day of November, 2018. Subject to the exceptions cited therein, Iowa Court Rule 16.315 provides that this electronic filing, once electronically posted to the registered case party's EDMS account, constitutes service for purposes of the Iowa Court Rules.

Copies have been provided to all registered parties because once the document is posted, those parties are able to view and download the presented or filed document.

/s/ Anita Soderblom

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